

REMARKS

Claim 1 has been amended to delete non-elected compounds as suggested by the Examiner.

Claims 6 and 8 stand rejected under 35 U.S.C. 112, first paragraph. The Examiner state that the specification is enabling for insecticidal use, but not pesticidal use. Applicant has amended these claims to be consisted with those allowed in the parent application. Claims 6 and 8 are directed to insecticidal and acaricidal compositions and methods of control of insects and representatives of the order Acarina, respectively.

Claims 1, 6 and 8 stand rejected under 35 U.S.C. 112, second paragraph. The Examiner state the expression "if appropriate" is indefinite in meaning.

One skilled in the art would determine the appropriateness based on, for example, the number, the absolute and relative configuration of the carbon atoms in a specific compound of formula (I). See page 12, paragraph 1 of the specification for further explanation. Methods of preparing such isomers and/or tautomers depend on the starting materials and reagents and methods of separation are known (page 12, paragraph 2 and 3).

Applicant has changed the expression "at least one" in claim 6 to "one or more" as suggested by the Examiner.

The Examiner further states that claim 8 fails to recite an effective amount of active ingredient. Claim 8 has been amended to recite "in an amount of 1 to 2000 g per hectare."

In view of the above discussion and amendments, Applicant request the withdrawal of the rejections of claim 1, 6 and 8 under 35 U.S.C. 112.


Applicant submits that claims 1-4, 6 and 8 are now in conditions for allowance. Early and favourable issuance of a Notice of Allowability is respectfully requested.

As this response is submitted within three months from the mailing date of the Office Action, no additional fees are believed necessary.

However, in the event the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully requested, and the Commissioner is authorised to debit the appropriate fee for that extension, or any other fee, from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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